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The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

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U.S. PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Paper No. 14

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte RAMESH NAGARAJAN, JULIE A. FISHER,
CHARLES E. FARNUNG and FRANCIS K. TSE

RECEIVED

JUN 6 - 2005

DIRECTOR OFFICE
TECHNOLOGY CENTER 2000

Appeal No. 2005-0835
Application 09/488,572

ON BRIEF

Before THOMAS, HAIRSTON and OWENS, *Administrative Patent Judges*.

OWENS, *Administrative Patent Judge*.

DECISION ON APPEAL

This appeal is from the final rejection of claims 1-5.

Claims 6-9, which are all of the other pending claims, have been allowed.

THE INVENTION

The appellants claim an image segmentation method which permits a user to change at least one automatic segmentation parameter of a selected segmentation mode. Claim 1 is illustrative:

1. A method for segmenting an image comprising:

 determining a selected segmentation mode to be used when segmenting the image;

 determining if the selected segmentation mode is an automatic mode;

 determining, if the selected segmentation mode is the automatic mode, whether a user wishes to change at least one automatic segmentation parameter of the selected mode;

 inputting a new value for each at least one automatic segmentation parameter to be changed, if the user wishes to change at least one automatic segmentation parameter; and

 segmenting the image using the automatic segmentation parameter values, including any new automatic segmentation parameter values.

THE REFERENCE

Robinson

5,339,172

Aug. 16, 1994

THE REJECTION

Claims 1-5 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Robinson.

OPINION

We reverse the aforementioned rejection.

"Anticipation requires that every limitation of the claim in issue be disclosed, either expressly or under principles of inherency, in a single prior art reference." *Corning Glass Works v. Sumitomo Elec. U.S.A., Inc.*, 868 F.2d 1251, 1255-56, 9 USPQ2d 1962, 1965 (Fed. Cir. 1989).

Each of the appellants' independent claims requires determining, if a selected segmentation mode is an automatic mode, whether a user wishes to change at least one automatic segmentation parameter of the selected mode.

Robinson discloses, in reference to figure 5, that once an operator selects a segmentor icon (step 184) the operator is presented with various options or modes (step 186) (col. 9, lines 25-27). The various options or modes are designated by the variable N(i) where, for example, the Screen mode is option N(1) and the Threshold mode is N(2) (col. 9, lines 28-31). "Steps 188-1, 188-2, . . . 188-M, illustrate that the user can choose a mode from one of m modes. Upon choosing one of the modes

(step 190), appropriate parameters for obtaining the mapping function, stored in one of the look-up tables, are downloaded to the segmentation control 180 of Fig. 1" (col. 9, lines 31-36).

The appellants argue:

[S]tep 184 of Fig. 5 is simply the step of a user selecting a segmentation icon for segmentation. Once segmentation is selected, a segmentation mode is then selected from N(1)-N(m) segmentation modes. (See Fig. 5 of Robinson steps 188-1 through 188-M[]). These various segmentation modes are designated by the variable N(i). For example, the Screen mode is designated as N(1), the Threshold mode as N(2) (column 9, lines 25-31 of Robinson). Column 8, lines 5-10 of Robinson states that a user may wish to use a segmentation mode other than the full mode, and that the user can choose one of the "Screen" or "Threshold" modes as a segmentation mode other than the full mode. Therefore, the Screen mode N(1), the Threshold mode N(2) and any other mode N(i) chosen by the user in steps 188-1, 188-2, ... 188-M are all segmentation modes. [reply brief, pages 1-2]

* * *

Hence, Robinson describes only choosing a particular segmentation mode, but fails to describe, teach, or suggest changing at least one automatic segmentation parameter of the selected mode, as claimed. [reply brief, page 2]

The examiner argues that Robinson's operator selects the segmentation mode in step 184, and in steps 186 and 188 changes at least one parameter N(i) (answer, pages 3 and 5).

Robinson, however, teaches that selecting the segmentor icon in step 184 presents the operator with various options or modes designated by N(i) (col. 9, lines 25-29). Thus, contrary to the examiner's argument, selecting an N(i) is a selection of a mode, not a change of a parameter of a selected mode.

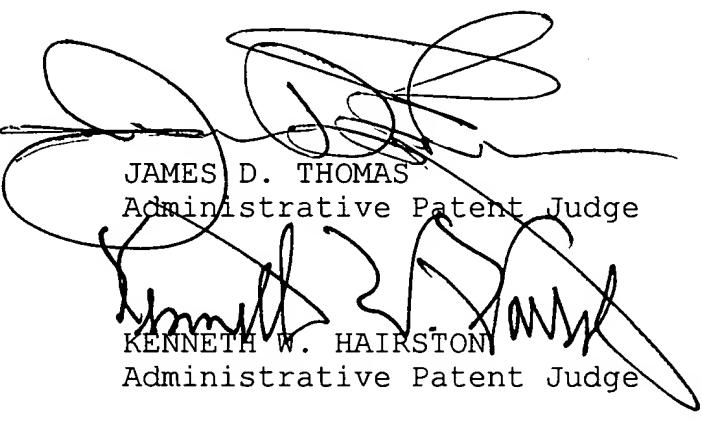
We therefore find that the examiner has not carried the burden of establishing a *prima facie* case of anticipation of the appellants' claimed invention.

Appeal No. 2005-0835
Application 09/488,572

DECISION

The rejection of claims 1-5 under 35 U.S.C. § 102(b) over Robinson is reversed.

REVERSED



JAMES D. THOMAS
Administrative Patent Judge
KENNETH W. HAIRSTON
Administrative Patent Judge
Terry J. Owens
TERRY J. OWENS
Administrative Patent Judge

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Application 09/488,572

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